

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	WINSTON NAJEE REED,	Case No. 3:22-cv-00422-MMD-CLB
4	Plaintiff	<b>ORDER</b>
5	v.	
6	CALVIN JOHNSON, <i>et al.</i> ,	
7	Defendants	
8		

9           **I. DISCUSSION**

10          On September 21, 2022, Plaintiff, an inmate in the custody of the Nevada  
 11 Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C.  
 12 § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s  
 13 application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted a  
 14 financial certificate or an inmate account statement for the previous six-month period with  
 15 his application. Moreover, instead of using this Court’s approved form for applications to  
 16 proceed *in forma pauperis* by inmates, Plaintiff completed a form used in Nevada state  
 17 court. (ECF No. 1).

18          Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
 19 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
 20 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
 21 inmate must submit all three of the following documents to the Court:

- 22           (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this  
 23 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on  
 24 page 3),
- 25           (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
 26 official (i.e. page 4 of this Court’s approved form), and
- 27           (3) a copy of the **inmate’s prison or jail trust fund account statement for the**  
 28 **previous six-month period**.

1           Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*  
2 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant  
3 Plaintiff a one-time extension to file a fully complete application to proceed *in forma*  
4 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete  
5 application to proceed *in forma pauperis* on or before **November 21, 2022**. Absent  
6 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff  
7 does not file a fully complete application to proceed *in forma pauperis* with all three  
8 required documents on or before **November 21, 2022**, this case will be subject to  
9 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is  
10 able to acquire all three of the documents needed to file a fully complete application to  
11 proceed *in forma pauperis* or pays the full \$402 filing fee.

12           A dismissal without prejudice means Plaintiff does not give up the right to refile the  
13 case with the Court, under a new case number, when Plaintiff has all three documents  
14 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
15 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
16 full filing fee of \$402 on or before **November 21, 2022** to proceed with this case.

17           The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court  
18 will not file the complaint unless and until Plaintiff timely files a fully complete application  
19 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

20 **II. CONCLUSION**

21           For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
22 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
23 application to proceed *in forma pauperis* with all three documents.

24           IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
25 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
26 document entitled information and instructions for filing an *in forma pauperis* application.

27           IT IS FURTHER ORDERED that on or before **November 21, 2022**, Plaintiff will  
28 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and

1 the \$52 administrative fee) or file with the Court:

- 2 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate** on this  
3 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
4 signatures on page 3),  
5 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
6 official (i.e. page 4 of this Court's approved form), and  
7 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
8 **previous six-month period.**

9 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
10 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
11 filing fee for a civil action on or before **November 21, 2022**, this case will be subject to  
12 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
13 number, when Plaintiff has all three documents needed to file a complete application to  
14 proceed *in forma pauperis* or pays the the full \$402 filing fee.

15 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
16 (ECF No. 1-1) but will not file it at this time.

17 DATED: September 22, 2022

18   
19 United States Magistrate Judge  
20  
21  
22  
23  
24  
25  
26  
27  
28